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International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances
Fourteenth session

Summary record (partial)* of the 255th meeting**
Held at the Palais Wilson, Geneva, on Friday, 1 June 2018, at 3 p.m.

Chair: Ms. Janina

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* No summary record was prepared for the rest of the meeting.
** No summary records were prepared for the 247th to 254th meetings.

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The discussion covered in the summary record began at 5.05 p.m.

Other matters

Informal report on the fourteenth session

1. **Mr. Teraya** (Rapporteur), in presenting the Committee's informal report on its fourteenth session, said that, as at 1 June 2018, there were 58 States parties to the International Convention for the Protection of All Persons from Enforced Disappearance and 49 signatory States. The session had been opened by Mr. Adam Abdelmoula (Director, Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)), who had expressed his support for the work done and the results achieved by the Committee to date.

2. During its fourteenth session, the Committee had considered the initial reports of Honduras, Austria and Albania and had since published its concluding observations on those reports. The Committee had also adopted lists of issues in respect of Japan and Portugal and appointed country rapporteurs who would draft the lists of issues in relation to the initial reports of Chile, Italy and Peru.

3. The Committee had reviewed and discussed its working methods related to, inter alia, articles 29, 30, 31, 32, 33 and 34 of the Convention, as well as the strategy for promoting its ratification. Since March 2012, the Committee had received 571 requests for urgent action, of which 495 had been registered. To date, 36 disappeared persons who were the subject of requests for urgent action had been located. The Committee had closed 15 urgent actions in which the disappeared persons had been found alive and released from detention, and 21 in which the disappeared persons had been found dead. It had discontinued four urgent actions in which the disappeared persons had been found alive but remained in detention, and it had decided to pursue two urgent actions in which the disappeared persons had been found dead but in which the interim measures requested by the Committee in respect of their relatives or representatives remained necessary.

4. Under its communications procedure, the Committee had reviewed the latest developments pertaining to the implementation by Argentina of its Views on communication No. 1/2013 (*Yrusta v. Argentina*). The Committee, having examined the information provided by the State party and the authors of the communication, had sent a follow-up note verbale expressing its concern over the lack of progress made in implementing the Views and requesting information on any measures taken by the State party in that connection. The Committee had decided to continue to follow up on the case. In respect of the individual complaint against Czechia registered in 2017 (communication No. 2/2017), the Committee had been informed by the author in April 2018 that her daughter had been found and had therefore decided to discontinue its consideration of the communication.

5. As to the possibility of the Committee conducting a visit to Mexico under article 33 of the Convention, the State party had indicated in May 2017 that it was not currently in a position to accede to the Committee's request but that it would continue to cooperate with it. The Committee had decided to reiterate its request.

6. Furthermore, the Committee had reiterated its concern about the number of overdue State party reports. Given that the effective functioning of the Committee depended on the timely submission of reports, it had decided to review in the absence of a report the situation in those States parties whose reports were more than five years overdue and to send a reminder to all States parties that were behind in their reporting obligations. Accordingly, reminders had been sent to 15 States parties on 26 January 2018 and a note verbale had been sent to 4 States parties on 1 February 2018 informing them that failure to submit their reports by 23 October 2018 would result in the review being conducted in the absence of a report.

7. The Committee had also continued its thematic discussion on States parties' obligation under the Convention to search for and locate disappeared persons and had invited several guests to attend. On that occasion, Mr. Huhle and Ms. Galvis Patiño had presented the outcome of conferences that they had attended in Germany and Colombia,

respectively, which included a proposal to produce draft guidelines on the obligation to search for and locate disappeared persons. The Committee had decided to set up a working group for that purpose.

8. The Committee had also held a public meeting with States Members of the United Nations, the Global Alliance of National Human Rights Institutions and non-governmental organizations (NGOs) and civil society representatives. On that occasion, States had reaffirmed their commitment to the Committee's work and to reaching the goal set by OHCHR of doubling the number of ratifications of the Convention within five years, and the Geneva representative of the Global Alliance had underlined the need for the Committee and national human rights institutions to cooperate closely in promoting the ratification of the Convention and States parties' compliance with their reporting obligations. The Committee had expressed its gratitude to States for their support and had acknowledged the invaluable contribution of national human rights institutions, NGOs and civil society to the work of the Committee and to the international human rights system.

Annual report of the Committee to the General Assembly

9. **The Chair** said that the Committee had also adopted its annual report for consideration by the General Assembly at its seventy-third session.

Provisional agenda for the fifteenth session

10. **Mr. Teraya** said that the Committee had adopted the provisional agenda for its fifteenth session, which would be held from 5 to 16 November 2018.

Closure of the session

11. **The Chair** said that the fourteenth session had served to further consolidate the Committee's mandate as the guardian of the International Convention for the Protection of All Persons from Enforced Disappearance. However, the slow pace of ratification of the Convention remained a cause for concern and ultimately hampered the instrument's effectiveness. More needed to be done to engage with States that had already signed the Convention and to support the OHCHR initiative to double the number of ratifications within five years. During the session, the Committee had devoted some time to, inter alia, discussing strategies for achieving the universalization of the Convention and had amended its working methods to facilitate the introduction of a new follow-up procedure, under which it had invited Mexico to attend a follow-up dialogue to discuss the additional information that it had submitted under article 29 (4) of the Convention.

12. Moreover, the growing number of urgent cases received by the Committee had prompted it to begin laying the groundwork for an analytical study on its urgent action procedure. The Committee had also reiterated the importance of creating the conditions to enable human rights defenders to act freely without interference, intimidation, abuse, threats, violence, reprisals or undue restriction and had endorsed the joint statement made by the Chairs of the United Nations human rights treaty bodies and the Special Rapporteur on the situation of human rights defenders on that subject. The Committee had likewise engaged in formal and informal discussions on the draft convention on crimes against humanity being prepared by the International Law Commission and had adopted a statement recalling that the Convention constituted a legal milestone in that field.

13. The Committee remained committed to the treaty body strengthening process and to achieving the objectives set out in General Assembly resolution 68/268. However, in future, care should be taken to avoid scheduling the annual meeting of the Chairs of the human rights treaty bodies in New York when the Committee was in session in Geneva. The Committee was fully aware of the budgetary difficulties facing OHCHR as a result of the resolution adopted at the seventy-second session of the General Assembly rejecting the Office's request for additional human resources. The work of OHCHR deserved to be recognized and to be supported by adequate resources. Additional meeting time was likewise necessary to enable the Committee to accomplish the full range of tasks before it. Accordingly, the Committee had decided to reiterate its request for the fifth week of meeting time allocated to it to be incorporated into its meetings calendar forthwith.

14. After the customary exchange of courtesies, she declared the fourteenth session of the Committee on Enforced Disappearances closed.

The meeting rose at 5.35 p.m.